

REMARKS

Claims 1, 3-9, 11-16, 18-21 and 24-28 were presented for examination and were pending in this application. In the Office Action dated November 4, 2009, claims 1, 3-9, 11-16, 18-21 and 24-28 were rejected. Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

Summary of Interview

Applicant thanks Examiner Kim for his time in conducting a telephone interview on December 21, 2009. During the telephone interview, Applicant's representatives, Brian Hoffman and Puneet Sarna, discussed the "communications protocol" claim amendment made herein. Agreement was reached that this amendment would likely overcome the current rejection, although Examiner Kim stated he would need to review the reference again. The remarks below expand on the discussions in the interview.

35 U.S.C. § 103 Rejection

Claims 1, 3, 6, 8- 9, 11, 14, 16, 18, 21, and 24-28 stand rejected under 35 U.S.C. §103 as being unpatentable over Pisello, et al. (U.S. Patent No. 5,495,607) in view of Stupek, et al. (U.S. Patent No. 5,586,304), Miyata et al. (U.S. Pub. 2004/0117401), and Bucher (U.S. Pub. 2005/0060281). Claims 4, 12, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pisello, in view of Stupek, Miyata, and Bucher, and in further view of Fischer (U.S. Patent No. 5,694,569). Claims 5, 13, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pisello, in view Stupek, Miyata, and Bucher, and in further view of Baker (US Pub. 2003/0233352). Claims 7, 15, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pisello, in view of Stupek,

Miyata, and Bucher, and in further view of Chino et al (US Pub. 2002/0046207). Applicant now traverses these rejections as applied to the amended claims.

Claim 1 as amended recites *inter alia*:

the file attribute manager gleaning file attributes from each of the plurality of scanned files based on a **communications protocol** used to receive each of the plurality of files, the file attribute manager gleaning different file attributes for different **communications protocols**;

The cited references, considered individually or together, do not teach or suggest “the file attribute manager gleaning different file attributes for different communications protocols.”

The Examiner relies on Bucher to reject the “gleaning” aspects of claim 1. Bucher discloses a rule based system and method for managing content wherein an action is performed on a content file when a certain event occurs. Bucher, Abstract, [0094]-[0100]. The content file includes metadata like the time when the content file was most recently accessed. Bucher, [0082]-[0086]. Additionally, the content file includes action metadata comprising “information concerning processes such as upload, download [etc.]” Bucher, [0076]. Examples of such information include the upload and download locations. Bucher, [0086].

Bucher does not disclose gleaning different file attributes for different communication protocols. The Examiner interprets the actions described by Bucher’s action metadata as the claimed protocols and asserts that Bucher discloses gleaning different information for different actions. Thus, according to the Examiner, Bucher discloses gleaning different file attributes for different protocols.

However, to the extent that the actions are considered “protocols,” such actions are not “communications protocols” as recited in the amended claims. A person of ordinary skill in the art would recognize that a communications protocol is a set of rules which is

used by computers to communicate with each other. The actions described by Bucher's action metadata are not a set of communication rules and an interpretation that finds otherwise would be unreasonable.

In sum, Bucher does not disclose "the file attribute manager gleaning different file attributes for different communications protocols." Additionally, Pisello, Stupek, Miyata, Fischer, Baker and Chino do not remedy the above-described deficiencies of Bucher. Accordingly, these references, whether considered alone or combined, do not disclose or suggest elements of amended claim 1. Therefore, a person of ordinary skill in the art considering the teachings of these references would not find the claimed invention obvious. Independent claims 9 and 16 are not obvious for at least the same reasons. The dependent claims incorporate the limitations of their base claims and are also not anticipated or obvious for at least the same reasons.

Allowance of all claims is requested. If the Examiner believes that direct contact with the Applicant's attorney will advance the prosecution of this case, the Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,

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